

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TINA YEAGLEY, Individually and as personal representative of the Estate of Betty Waltermeyer, et al.,	:	CIVIL ACTION NO. 1:06-CV-2163
Plaintiffs		:
		:
		:
v.		:
		:
		:
DANIEL KISEL, Individually and as an officer of the Pennsylvania State Police, et al.,	:	
Defendants		:
		:

ORDER

AND NOW, this 29th day of March, 2007, upon consideration of the motion (Doc. 5), filed by defendants Daniel Kisel and Joseph Kalis, to dismiss plaintiffs' wrongful death and survival claims on grounds of sovereign immunity, see 1 PA. CONS. STAT. ANN. § 2310 ("[I]t is hereby declared to be the intent of the General Assembly that the Commonwealth . . . shall continue to enjoy sovereign immunity and official immunity and remain immune from suit except as the General Assembly shall specifically waive immunity."), and it appearing that plaintiffs concur in the dismissal of any wrongful death or survival claims asserted under Pennsylvania law (see Doc. 8 at 3 n.1), it is hereby ORDERED that the motion to dismiss (Doc. 5) is GRANTED in part as follows:

1. Plaintiffs' wrongful death and survival claims against defendants Daniel Kisel and Joseph Kalis are DISMISSED to the extent that such claims are asserted under Pennsylvania law.
2. The motion to dismiss (Doc. 5) is otherwise DENIED.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge